

STATE PROPERTIES COMMITTEE

Tuesday, May 10, 2005

The meeting of the State Properties Committee was called to order at 10:05 A.M. by Chairman Jerome F. Williams. Other members present were Richard Woolley, Esquire, representing the Department of Attorney General, Mr. Robert Griffith, representing the Department of Administration, and Mr. Thomas Barry, Public Member. Also present were, Ms. Marlene McCarthy-Tuohy and Mr. John Ryan, from the Department of Administration; Ms. Maureen McMahon and Messrs. Daniel Clarke, Paul Carcieri, Robert Jackson, John E. Glynn, David Coppotelli, and John B. Affleck, Esquire, and Mark Malkasian, from the Department of Transportation; Ms. Christy Healey from the Department of Business Regulation; Richard Licht, Esquire, for The Rhode Island Airport Corporation; Ms. Marie Citrone, from the Rhode Island Developmental Disabilities Council; Ms. Deborah Weinreich from Cox Communication; Mr. William Zelazny, from Rhode Island Pride; and, Dr. Amrut Patel, for the India Day Celebration.

The Minutes of the meeting held on April 19 and 26, 2005 were approved.

1. OLD BUSINESS

2. NEW BUSINESS – Miscellaneous - The Chair, Mr. Williams, requested that the next meeting of the State Properties Committee which was scheduled to be held on Tuesday, May 24, 2005 be rescheduled. The Executive Secretary will reschedule the meeting.

ITEM A – RHODE ISLAND AIRPORT CORPORATION – A request was made by the Rhode Island Airport Corporation for approval and

signatures on Fourth Amendment to Lease and Operating Agreement.

In 1993, a lease was negotiated between the Department of Transportation and the Rhode Island Airport Corporation (RIAC) transferring the responsibilities of the Department of Transportation to the Rhode Island Airport Corporation. The term of the Lease was for thirty (30) years. This Lease has previously been extended. The original term was to 2023 and was extended to 2028. RIAC is seeking a seven (7) year extension. RIAC intends to do a financing with respect to upgrades. RIAC will be changing the security entrance for security. In addition, EDS (explosive detection system) will be taken out of public view and placed behind a wall. RIAC will also be putting in more ticket counter space and additional administrative offices. RIAC intends to issue General Airport Revenue Bonds prior to June 30, 2005 for the improvements. This bond issue will be issued pursuant to Kushner approval received from the Rhode Island General Assembly in the 2004 session.

A second major item is the Warwick Inter-modal Facility. This is a combination of a rental car parking garage and a train station, and a people mover connecting to the airport. One of the Governor's priorities is to construct the Warwick Inter-modal Station which will require RIAC to issue thirty year Special Facility Bonds to pay for the Consolidated Rental Car Facility and other portions of the project. In order to sell the bonds, the term of RIAC's lease must extend to approximately the term of the bond issue. RIAC would like to extend the term to June 30, 2035.

The Chair, Mr. Williams noted there is a statutory mandate not to exceed leases for more than twenty (20) years with certain exceptions and this is one of the actual exceptions within the statute.

A Motion was made by Mr. Griffith and seconded by Mr. Woolley to approve the request of the Rhode Island Airport Corporation for approval and signatures on Fourth Amendment to Lease and Operating Agreement.

Passed Unanimously

ITEM B – DEPARTMENT OF ADMINISTRATION – Rhode Island Developmental Disabilities Council – A request was made by the Department for the Rhode Island Developmental Disabilities Council, for conceptual approval to initiate negotiations with Warwick Professional Building, LLC and exercise option to renew Lease for office space.

The Rhode Island Developmental Disabilities Council is currently located at 400 Bald Hill Road, Warwick and leases 1,087 square feet of space. The Council is requesting permission to exercise a five (5) year option for a lease renewal and permission to initiate negotiations with the landlord. This space is centrally located. The Council frequently has meetings at night and the parking lot is well lit and the building is handicap accessible, which is critical. More than 60% of the members of the Council are people with disabilities. This is fully funded by the Federal Government.

A Motion was made by Mr. Woolley and seconded by Mr. Griffith to approve the request of the Department - Rhode Island Developmental Disabilities Council, for conceptual approval to initiate negotiations

with Warwick Professional Building, LLC and exercise option to renew lease for office space.

Passed Unanimously

ITEM C – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of Station Park by India Day Celebration 2005 on August 6, 2005.

A request was made to have the annual India Day Celebration at Station Park on August 6, 2005, with a rain date of August 7. This is open to the public. All the paper work has been provided.

A Motion was made by Mr. Griffith and seconded by Mr. Barry to approve the request of the Department for approval of the use of Station Park by India Day Celebration 2005 on August 6, 2005 with a rain date of August 7.

Passed Unanimously

ITEM D – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of Station Park by Cox Charities June 12, 2005.

This request is for the fourth annual Cox Charities cycling classic which is a charitable event. This event benefits Cox Charities, Cox Communications charitable giving initiative, which grants non-profit organizations throughout the State, benefiting children and furthering education. There will be 500 cyclists participating and a family day has been added to the event.

A Motion was made by Mr. Barry and seconded by Mr. Griffith to approve the request of the Department for approval of the use of

Station Park by Cox Charities on June 12, 2005.

Passed Unanimously

ITEM E – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of Station Park by RI Pride Celebration 2005 from June 17 to June 19, 2005.

The event will take place on June 18, 2005, with a set up date of June 17 and cleanup on the 19th. A tent for beer and wine will be set up.

A Motion was made Mr. Griffith and seconded by Mr. Barry to approve the request of the Department for approval of the use of Station Park by RI Pride Celebration 2005 June 17 to June 19, 2005.

Passed Unanimously

ITEM F – DEPARTMENT OF BUSINESS REGULATION – A request was made by the Department for approval to enter into Lease with Belvoir Properties, Inc. for parking spaces adjacent to the Department's parking area at Ship and Richmond Streets, Providence.

A request was made by the Department for parking spaces which have become available adjacent to the Department's current parking lot at 233 Richmond Street, Providence. Thirteen (13) additional spaces are being requested at a monthly rate of \$90.00 per month, for an annual cost of \$14,040.00. The Department currently has eighty-two (82) parking spaces available as part of its office lease and 109 authorized full-time equivalent positions. Many of the examiners are out of the office, so the Department has been able to work with the 82 spaces. Several spots are designated as examiner's spaces, so they rotate in and out, but the Department is now out of parking for

full time office employees. There are no parking spaces available for consumers who must park on the street. In the past, if spots were available because people are out of the office, the receptionist is made aware of this to enable consumers to utilize those spots, but the Department can no longer do that. The Chair, Mr. Williams stated that from a customer service standpoint, the Department should try to allocate spaces for customers. The Department stated with the additional spaces, it may be able to provide spaces that are available for customers. The lease for the additional parking spots will be co-terminous with the office lease.

A Motion was made by Mr. Griffith and seconded by Mr. Woolley to approve the request of the department for approval to enter into Lease with Belvoir Properties, Inc. for parking spaces adjacent to the Department's parking area at Ship and Richmond Streets, Providence.

Passed Unanimously

ITEM G – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Grant of Easement to Gary Mantoosh and Robin Burch over property adjacent to the East Bay Bicycle Path, Bristol.

The Easement is required to allow Gary Mantoosh and Robin Burch to continue to maintain an outbuilding on 375 square feet of state property adjacent to the East Bay Bicycle Path in Bristol. The Easement carries a one-time fee of \$2,500.00 and if necessary, the easement area will revert back to the State, should be area the be required for transportation-related purposes. The commencement

date is April 1, 2005. This is a perpetual easement.

A Motion was made by Mr. Woolley and seconded by Mr. Barry to approve the request of the Department for approval and signatures on Grant of Easement to Gary Mantoosh and Robin Burch over property adjacent to the East Bay Bicycle Path, Bristol.

Passed Unanimously

ITEM H – DEPARTMENT OF TRANSPORTATION –A request was made by the Department for conceptual approval of the transfer of property on Seymour Street, Providence to Meeting Street School.

Last year, the Department transferred gratis, to the Meeting Street School, approximately 35,000 square feet of State owned land adjacent to Seymour Street and Route 95 in Providence. The Meeting Street School has approached the Department for an additional donation. The lot in question is approximately 8,000 square feet and is directly adjacent to the property that the Department donated to Meeting Street School last year. Meeting Street School has represented that this additional property is integral to their needs for the new campus. The Department has approved the conveyance of these additional square feet gratis and the Federal Highway Administration has also given its approval to a gratis transfer. A map was shown depicting the area. This property was acquired by condemnation. The Department will offer the property back to the former owner and the City of Providence.. The Department will return when the surplus process has been completed.

A Motion was made by Mr. Woolley and seconded by Mr. Barry to

approve the request of the Department for conceptual approval of the transfer of property on Seymour Street, Providence to Meeting Street School.

Passed Unanimously

ITEM I – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a License Agreement with Paul Byron for property on Nooseneck Hill Road, Exeter.

This is a License Agreement with Paul Byron for 200 square feet of state-owned land along Nooseneck Hill Road, Exeter. Mr. Byron proposes to erect a sign and would like to use the sign to advertise his enterprises. Rent is Six Hundred (\$600.00) per year. The term of the License is three (3) years.

A Motion was made by Mr. Barry and seconded by Mr. Griffith to approve the request of the Department for approval and signatures on a License Agreement with Paul Byron for property on Nooseneck Hill Road, Exeter.

Passed Unanimously

ITEM J – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on Quit-claim Deeds to Robert and Karol Pichette and Paul and Sharon Trask, for conveyance of property on Post Road, Warwick.

In August of 2004, the Department approved the conveyance of approximately 5900 square feet of state-owned land at a value of \$.60 per square foot. This is a small, unbuildable lot. This property became an issue of contest between its two only abutters. It took the

abutters seven months to come to a mutually agreeable division of the state property. They are the only two abutters. Discussion took place about the value. A map was displayed depicting the area. The property was acquired by Deed and the statutorily mandated sell-back offer to the City of Warwick has been made and declined. The land will be used to extend the lot lines of their adjacent properties.

A Motion was made by Mr. Woolley and seconded by Mr. Griffith to approve the request of the Department for Department for approval and signatures on Quit-claim Deeds to Robert and Karol Pichette and Paul and Sharon Trask, for conveyance of property on Post Road, Warwick.

Passed Unanimously

ITEM K – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on an Easement Agreement with the Narragansett Electric Company for underground service to the Blackstone Valley Gateway Center, Lincoln.

This Easement Agreement is between the Department and the Narragansett Electric Company and will provide underground electrical service to the Blackstone Valley Gateway Center, Lincoln, from Route 126 (Old River Road) within the right-of-way of Interstate Route 295NB. This is a gratis transaction.

A Motion was made by Mr. Griffith and seconded by to Mr. Barry approve the request of the Department for approval and signatures on a Easement Agreement with the Narragansett Electric Company for underground service to the Blackstone Valley Gateway Center,

Lincoln.

Passed Unanimously

ITEM L- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT - A request was made by the Department for approval and signatures on a Sublease Agreement in connection with the sub-lease of Lot 230 in the Port of Galilee.

This item was deferred to May 25, 2005 at the request of the Department.

ITEM M- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on an Assignment of Sublease in connection with the sub-lease of a portion of Lot 201 in the Port of Galilee.

This item was deferred to May 25, 2005 at the request of the Department.

ITEM N - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a License Agreement with Interstate Navigation Company for Pier No. 3 at Fort Adams State Park, Newport.

This item was deferred to May 25, 2005 at the request of the Department.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4 (a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A Motion was made to go into Executive Session by Mr. Griffith and seconded by Mr. Barry. A roll call vote was made. Mr. Woolley voted “Aye”, Mr. Griffith voted “Aye”, Mr. Barry voted “Aye”, and the Chair voted “Aye”.

A Motion was made by Mr. Griffith and seconded by Mr. Barry to close the Executive Session and return to the regular meeting. The Motion was approved unanimously.

The regular session of the State Properties Committee re-opened with the following requests.

ITEM O – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on License Agreement with Deeble Holdings Inc. for use of property on Route 114, East Providence.

The Department entered into a series of negotiations with the owners of Deeble Holdings to lease some of the land that Deeble was encroaching on for parking purposes and to remove the structure. The Department negotiated a Lease Agreement. This Lease agreement will require Deeble to remove a stone structure and in exchange will receive a twenty (20) year lease for 3,049 square feet of property to be used for parking and ancillary property to be used to maintain access to the property and beautify the area. The total amount of the property end of the Lease is about 11,700 square feet.

1,899 square feet is for access purposes

4,825 square feet is for beautification

3,049 square feet is for surface parking which Deeble is encroaching on

1,945 square feet for vegetation clearing

This matter was discussed Executive Session.

A Motion was made by Mr. Griffith and seconded by Mr. Barry to approve the request of the Department for approval on License Agreement with Deeble Holdings Inc. for use of property on Route 114, East Providence. This matter was approved subject to certain conditions discussed in the Executive Session. Those conditions are, that there is a strong default clause in the License Agreement, and that Deeble Holdings, Inc. would be made apprised of the fact that they have utilization for the parking area based on Exhibit "A" that is attached to the License Agreement, that they are fully knowledgeable and confirm that this is the only area they can use for parking and that the remaining area be used for beautification and access as explained in the License Agreement. Also inherent in this Motion is that any use for parking outside the depicted area in the site plan would constitute a default in the License Agreement. The Committee stated that this should be spelled out in the default language in the License Agreement.

Passed Unanimously

ITEM P – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval of Condemnation Plat 2628, for the Reconstruction of the Route 5 and Route 113 intersection, Warwick.

This is Condemnation Plat 2628, which is the reconstruction of the roadway and intersection at Greenwich Avenue, Main Avenue and East Avenue in Warwick, from Metro Center Boulevard South to

Potters Avenue. The purpose of the project is to improve traffic flow through the area. This would eliminate the jug-handles that are at the Metro Center Boulevard into Apex. It will reduce the delay at the Route 113/Route 5 intersection. There are a total of twenty-one parcels affected by this project. Six (6) parcels are affected by a partial acquisition totaling 7,481 square feet. Sixteen (16) parcels are affected by a temporary easement for two years totaling 19,745 square feet. Ten (10) parcels are being affected by a permanent aerial easement totaling 4,944 square feet. One parcel is being affected by a permanent drainage easement totaling 16,814 square feet. Ten parcels (10) are affected by a permanent guy easement totaling 925 square feet, and one parcel is being affected by a permanent utility easement totaling 399 square feet. This project is 80% Federally funded.

This matter was discussed in Executive Session.

A Motion was made by Mr. Griffith and seconded by Mr. Woolley to approve the request of the Department for approval of Condemnation Plat 2628, for the Reconstruction of the Route 5 and Route 113 intersection, Warwick. This Motion was approved subject to re-confirmation and verification of the attached spreadsheet. The Committee was comfortable with the values, but found some errors in the calculations.

Passed Unanimously

All matters presented to the Committee were approved by all present. There being no further business to come before the Committee, the meeting adjourned.

Anne L. Lanni, Executive Secretary